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15 *Robert Bosch GmbH and*
16 *Robert Bosch LLC*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

*In re: Volkswagen 'Clean Diesel' Marketing,
Sales Practices, and Products Liability
Litigation*

This document relates to:

*Iconic Motors, Inc., et al. v. Volkswagen
Group of America, Inc., et al.*, No. 3:17-cv-
3185-CRB

LEAD CASE No. 15-md-02672-CRB

**DECLARATION OF PATRICK SWIBER
IN SUPPORT OF BOSCH
DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION TO REMAND
OR, IN THE ALTERNATIVE, FOR A
SUGGESTION OF REMAND AND
MOTION TO STAY DEFENDANTS'
SUMMARY JUDGMENT MOTION**

Hon. Charles R. Breyer

Hearing: November 15, 2024, 10:00am

1 I, Patrick Swiber, do hereby declare as follows:

2 1. I am an attorney at Cleary Gottlieb Steen & Hamilton LLP, counsel for Robert
3 Bosch GmbH and Robert Bosch LLC (the “Bosch Defendants”).

4 2. I submit this declaration on behalf of the Bosch Defendants in support of their
5 Opposition to Plaintiffs’ Motion to Remand or, in the Alternative, for a Suggestion of Remand
6 and Motion to Stay Defendants’ Summary Judgment Motion or, in the Alternative, for an
7 Extension of Time. I have personal knowledge of the facts stated herein, and could and would
8 testify competently to the matters stated.

9 3. The Bosch Defendants have provided Plaintiffs with document productions
10 previously made in *In re Volkswagen “Clean Diesel” Mktg., Sales Pracs., and Prods. Liab. Litig.*,
11 2019 WL 6749534 (N.D. Cal. Dec. 6, 2019), *aff’d*, 842 F. App’x 112 (9th Cir. 2021)
12 (“*Napleton*”), as well as more than two dozen deposition transcripts from *Napleton* and other
13 matters in this MDL.

14 4. The Bosch Defendants served 80 requests for production to each of the Plaintiffs,
15 focused primarily on Plaintiffs’ alleged injuries and the multiple different ways in which
16 Plaintiffs have already received ample compensation for any injuries they could conceivably
17 claim here.

18 5. On April 30, 2018, the Parties served their responses and objections to their
19 respective document requests.

20 6. On May 16, 2018, the Bosch Defendants made their initial production of
21 1,817,601 pages, and Plaintiffs made their initial production of 642 pages on May 24, 2018.
22 Plaintiffs ultimately Plaintiffs produced more than 34,000 pages of documents.

23 7. Plaintiffs served interrogatories and requests for admission on the Bosch
24 Defendants on February 2, 2024, and the Bosch Defendants responded and objected on April 12,
25 2024.

26 8. Thereafter, Plaintiffs raised what they view as deficiencies with the Bosch
27 Defendants’ responses to those discovery requests, which the parties have since discussed over
28 the course of several months.

- Exhibit 1 is an email from Plaintiffs’ counsel Joshua Cauhorn dated September 21, 2024.
- Exhibit 2 is an email chain between the Parties’ counsel dated September 26, 2024–October 8, 2024.

Executed on October 9, 2024 in New York, New York.

Patrick Swiber